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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,854	02/11/2000	Daniel Watkins	LSI-99-023	5768

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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2615

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DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/502,854

**Applicant(s)**

WATKINS, DANIEL

**Examiner**

Bob Chevalier

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 12-19, 22, 24-27, 29-30 is/are rejected.
- 7) ☒ Claim(s) 3-11, 20, 21, 23 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Objections***

1. Claims 4-9, 11-13, 22-23, are objected to because of the following informalities:

For example,

(1) Claim 4, lines 2-3, the expression "said decoded frame" should be changed to --a decoded frame--;

(2) Claim 5, line 1, the expression "said pixel threshold" should be changed to --a pixel threshold--;

(3) Claim 6, lines 5-6, and 7, the expression "said first value" and "said second value" recited respectively thereof should be changed to --a first value--, and --a second value--;

Applicant's cooperation in reviewing all the claims for similar minor problems as indicated above is appreciated. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 14-16, 18-19, 22, and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al in view of Watanabe et al.

Li et al discloses an image recording/reproducing apparatus that shows substantially the same limitations recited in claims 1, 18, and 27, including the feature of the memory having a plurality of memory segments wherein a first memory segment

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stores a first received image (See Li et al's Figure 1, component 12B), the feature of storing a second received image in a second memory segment if a condition equals to a first state as specified in the present claims 1, 18, and 27. (See Li et al's column 4, lines 3-7, where it is disclosed that storing of the second image data is performed if there is available memory).

Li et al fails to specifically disclose the feature of temporarily storing the received signal, and further, the feature of recording audio signal as specified in the present claims 1, 18, and 27.

Watanabe et al discloses a camera apparatus, which includes the capability of recording audio/visual data on a recording medium and the capability of temporarily storing the image data before recording the same in a recoding medium as specified in the present claims 1, 18, and 27. (See Watanabe et al's Figure 9, components 70, and 80, 82, 84, and 184).

It would have been obvious to one skilled in the art to modify the Li et al's apparatus wherein the memory means provided thereof would incorporate the capability of recording both audio and image data in the memory means, and furthermore, the capability of temporarily storing the image information in a memory before recording the same in the memory means in the same conventional manner as shown by Watanabe et al. The motivation is to have a better control in the transmission rate of the image data to the memory means during the recording operation; and furthermore, the motivation is to also have a better understanding of the reproduced/displayed image by

providing sound information corresponding to the image data during reproduction operation as suggested by Watanabe et al.

With regard to claims 2, 19, the feature of storing the second received image data in the first memory segment if the condition equals to the second state as specified thereof is present in the proposed combination indicated above. (See the capability recording the second image data in the memory portion 14 if certain condition is met as shown in Li et al's Figure 1).

With regard to claims 14, 22, the feature of encoding/compressing the received image for storing in the memory segment and the feature of uncompressing the compressed image as specified thereof is present in Li et al. (See Li et al's Figure 2, components 11, 12, and 24).

With regard to claims 15-16, the feature of selecting a pre-programmed message corresponding to a diagnostic condition and sending the message to A/V output port so as to indicate a status to a user as specified thereof is noted to be an inherent characteristic of the cited reference of Watanabe et al. Since, Watanabe et al discloses the capability of displaying messages to the user indicating, for example, the remaining amount of memory available for recording operation. (See Watanabe et al's column 13, lines 38-50).

Therefore, it would have been obvious to one skilled in the art to modify the proposed combination indicated above wherein the recording/reproducing means provided thereof (See Li et al's Figure 2, components 11, 12, 24, and 26) would incorporate the capability of displaying messages to the user indicating, for example,

the remaining amount of memory available for recording operation using pre-programmed messages in the same conventional manner as is shown by Watanabe et al. The motivation is to keep the user informed of the operations of the apparatus at any desired time as suggested by Watanabe et al.

4. Claims 12, 17, 24, and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al and Watanabe et al as applied to claims 1-2 above, and further in view of Sata et al.

The proposed combination of Li et al and Watanabe et al indicated above discloses an audio/image data recording/reproducing apparatus that shows substantially the same limitations recited in claims 12, 24, and 29, including the feature of storing a first received image to a first memory location as a first frame and to a second memory location as a second frame as specified in the present claims 12, 24, and 29. (See Li et al's Figure 1, component 12B, where it is disclosed the capability of recording in a memory most significant "first frame" and least significant "second frame" of a received image data).

The proposed combination of Li et al and Watanabe et al indicated above fails to specifically disclose the feature of performing recording and playing simultaneously as specified in the present claims 12, 24, and 29.

Sata et al does disclose a recording/reproducing apparatus, which includes the capability of performing recording and playing simultaneously as specified in the present claims 12, 24, and 29. (See Sata et al's column 9, lines 21-25).

It would have been obvious to one skilled in the art to modify the proposed combination indicated above wherein the recording/reproducing means provided thereof (See Li et al's Figure 2, components 11, 12, 24, and 26) would incorporate the capability of performing recording and reproducing operations simultaneously in the same conventional manner as is shown by Sata et al. The motivation is to be able to perform reproduction at any desired time while recording operation is being performed as suggested by Sata et al, thereby increase the efficiency of the apparatus.

With regard to claim 17, it is noted that the feature of the memory card, the socket receiving optical device image signal, the controls function panel, and the housing as specified thereof is not specifically present in the proposed combination of Li et al, Watanabe et al, and Sata et al indicated above; however, it is to be noted that such features would be present in the cited reference of Watanabe et al. (See Watanabe et al's Figure 1, components 30, 32, 88).

Therefore, it would have been obvious to one skilled in the art to modify the proposed combination of Li et al, Watanabe et al and Sata et al, indicated above, wherein the memory means provided thereof (See Li et al's Figure 2) would incorporate the capability of the memory card, the socket receiving optical device image signal, the controls function panel, and the housing for the purpose of recording the received image data in a memory card corresponding to instructions of given by the operator through the controls function panel in the same conventional manner as is shown by Watanabe et al. The motivation being to increase the recording density and to perform recording

operation responsive to the operator's request, thereby increase the efficiency of the apparatus as suggested in the prior art.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al, Watanabe et al, and Sata et al as applied to claim 12 above, and further in view of Merrill.

The proposed combination of Li et al, Watanabe et al and Sata et al indicated above discloses a recording/reproducing apparatus that shows substantially the same limitations recited in claim 13, including the feature of recording and reproducing at the same time as specified in the present claim 13. (See the above rejection of claim 12).

The proposed combination of Li et al, Watanabe et al and Sata et al indicated above fails to specifically disclose the feature of creating and recording in the memory a time mark corresponding to an encoded playback frame recorded in the memory as specified in the present claim 13.

Merril does disclose the capability of creating and storing in a memory a time mark corresponding to an encoded playback frame recorded in the memory as specified in the present claim 13. (See Merrill's page 3, paragraph [0041], lines 15-18).

It would have been obvious to one skilled in the art to modify the proposed combination indicated above wherein the recording/reproducing means provided thereof (See Li et al's Figure 2, components 11, 12, 24, and 26) would incorporate the capability of creating and storing in a memory a time mark corresponding to an encoded playback frame recorded in the memory in the same conventional manner as is shown by Merrill.



The motivation being to increase synchronization between the image and the audio data during reproduction operation as suggested by Merrill.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 25-26, and 30, are rejected under 35 U.S.C. 102(e) as being anticipated by Merrill.

Merril discloses an audio/visual recording/reproducing apparatus that shows all the limitations recited in claims 25-26, and 30, including the feature of storing a received image in a memory and the feature of producing and storing a time mark in the memory and writing the received image together with adding audio signal to a playback file in the memory as specified in the present claims 25-26, and 30. (See Merrill's page 3, paragraph [0041], lines 15-18).

8. Claims 3-11, 20-21, 23, and 28, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
March 4, 2004.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER